

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOEL PAUL REESMAN,

Petitioner,

V.

JAMES R. KEY,

## Respondent.

No. C16-5925 BHS-KLS

## **REPORT AND RECOMMENDATION**

### **Noted For: December 30, 2016**

On November 2, 2016, Petitioner Joel Paul Reesman filed a petition for writ of habeas corpus, along with the \$5.00 filing fee. Dkt. 1. The same day, Mr. Reesman filed a motion for leave to proceed *in forma pauperis* (IFP). Dkt. 2. Because Mr. Reesman has paid the filing fee, the Court should deny the IFP application.

## DISCUSSION

A district court may permit indigent litigants to proceed IFP upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an IFP application. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Because Mr. Reesman paid the \$5.00 filing fee on November 2, 2016, therefore his IFP application is moot. The undersigned recommends that the Court deny Mr. Reesman's IFP application (Dkt. 2).

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have  
2 fourteen (14) days from service of this Report and Recommendation to file written objections  
3 thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
4 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the  
5 time limit imposed by Rule 72(b), the Clerk is directed set this matter for consideration on  
6 **December 30, 2016**, as noted in the caption.  
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8 **DATED** this 13<sup>th</sup> day of December, 2016.  
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United States Magistrate Judge  
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